

PUBLIC MEETING
March 30, 2010
MINUTES

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioner Derek Brown and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, Kyle Thomas, Rebecca Shaw, Lindsay Morgan, Michele Peterson, K. Paul Stahl, Kelly Blake, Laura Erikson, Eric Spangenberg, Kathy Moore, Tammy Potter, Jeff Sealey, Michael McHugh, Katie Jerstad, Jerry Christison, Mark Simonich, Kim Smith, Carolyn Keller, Terry Myhre, Mike Bay, Jerry Wells, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Yearly Road Mileage Certification. (Eric Spangenberg)
- b. Approval of Grant Award from Montana Board of Crime Control for DUI FY2011 Enforcing Underage Drinking Laws in the Amount of \$50,882. (Tammy Potter)
- c. Final Plat of Tomahawk Trails Minor Subdivision Creating Two Lots. (Applicant: Douglas Sparrow) (Planner: Michael McHugh)
- d. Professional Services Contract Between Lewis and Clark County and Schlenker & McKittrick Architects, P.C. to Complete and Perform Architectural Services Needed for the Courtroom and Mayo Ashley Building Renovation Project. (Kyle Thomas)
- e. Task Order to Master Contract No. 10-07-4-51-106-0 to Lewis and Clark City-County Health Department Providing Money from Federal Funds for Delivery of Case Management Services to Meet the Needs of HIV-Infected Individuals and Their Families in the Amount of \$8,750. (Dorothy Bradshaw)
- f. Amendment to MDT Construction Agreement for Wylie Drive (N. East Helena) Federal Aid Project No. STPHS 25(37) 2000 Safety. (Kyle Thomas)
- g. Settlement Agreement for Huftel vs. Lewis & Clark County, Cause No. ADV-2005-53. (Jeff Sealey)

CAO Bryson reported on the consent action items and recommended approval.

Commissioner Brown asked for a brief description of consent items 'f' and 'g.'

Consent item 'f.' Kyle Thomas reported that MDT requested an amendment to the contract for the Wylie Drive safety project. The Pele Trailer Park requested installation of a light luminary near the approach. MDT will pay for the installation and Quinn Rasmussen with the trailer park will do a 7-year contract with NorthWestern Energy for the power.

Consent item 'g.' Jeff Sealey reported that the Huftel settlement is a lawsuit related to subdivision and health regulations. The settlement cleans up the property, removes some trailers that should not be there, and takes care of some health violations.

No public comments were received.

Commissioner Brown moved approval of the consent agenda and authorized the Chair to sign. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Lincoln Community Housing Needs Assessment. (Laura Erikson) The Commissioners will hear a presentation on matching funds of \$10,000 given to the project from Montana Business Assistance Connection (MBAC).

Laura Erikson reported that the county applied for and received a \$10,000 planning grant from the Community Development Block Grant Program. The grant is to complete a Lincoln housing needs assessment and requires a 1:1 match. Through a cooperative effort, the Lincoln Community Council and the Montana Business Assistance Connection have agreed to pay the \$10,000 match for this project and they presented the county with the check.

Carolyn Keller from Montana Business Assistance Connection stated that MBAC received a USDA Rural Community Development Initiative Grant to work with small communities and community and economic development activities and projects.

Terry Myhre, Director of MBAC, stated that the USDA Program has granted some wonderful opportunities in the district and they have chosen to reapply to provide further funding to help the Lincoln community.

No public comment was received.

Commissioner Brown moved to accept the money and proceed with the project. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Reconsideration of Preliminary Plat Approval and Associated Conditions For Fox Trot Estates Subdivision – II. (Applicants: Jerry and Genevieve Christison) (Planner: Lindsay Morgan) (continued from March 4, 2010) (Decision) The Commission will reconsider the preliminary plat approval and associated conditions for the Fox Trot Estates Subdivision – II, creating 13 lots, each to be used for one single-family dwelling. The original preliminary plat approval was granted on April 27, 2006.

Commissioner Hunthausen moved to accept and adopt the recommended amendments to Condition No. 8 as described by legal staff in the memorandum to the commission and also to approve the applicant's request for a variance from county road standards Typical Section No. 2, Appendix K., and authorized the Chair to sign any necessary documents. Commissioner Murray seconded the motion.

Commissioner Brown did not support the motion. The county should follow the established regulations and not require off-site road improvements at the time.

The motion carried 2-1.

County Open Lands Program - Recommendations of the Citizens Advisory Committee on Open Lands (CAC). (Rebecca Shaw, Eliza Frazier) The Commission will consider the recommendations of the Citizens Advisory Committee on Open Lands and consider opening a 30-day public comment period.

Rebecca Shaw gave an overview on the activities of the CAC since the process began in 2008. Today, the CAC presented a recommendation of the draft application process. Committee members were introduced and project sponsors were recognized -- Trust for Public Land, Nature Conservancy, Prickly Pear Land Trust, Heritage Lands Group, and Sandra Tassel Consulting.

Committee member, Jerry Wells, spoke about the guide to the program, the application, due diligence (legal review) checklist, project evaluation criteria, and project completion checklists.

Katie Jerstad reviewed the checklist for project completion document, how conservation easement transactions take place, and proposed boundaries.

Robert Rasmussen, Trust for Public Land, stated that the program puts the county in a good place to further goals and objectives of the county and the landowners in Lewis and Clark County.

Mike Bay, Heritage Lands Group, encouraged the commission to move forward with the recommendation.

Commissioner Brown moved to open the 30-day comment period starting today on the Open Lands document in anticipation of consideration of approval at the end of the 30-day period. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Ms. Shaw explained the 30-day comment procedure.

2010 Consultant Statement of Qualification (SOQ) Lists. (Kyle Thomas) The Commission will consider the 2010 Consultant SOQ Lists.

Kyle Thomas reported that the county received approximately 74 out of 350 requests for Statement of Qualifications. The list includes a consultant list for architects and a consultant list for engineers and surveyors. The lists will be used for the next two years to select consultants for projects where consulting fees are estimated to be greater than \$20,000.

No public comments were received.

Commissioner Hunthausen moved approval of the 2010 Consultant SOQ Lists. Commissioner Brown seconded the motion. The motion carried 3-0.

Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 9:56 a.m.

The meeting was immediately reconvened for public comment.


Kim Smith, 7510 Applegate Drive, asked to be put on the public meeting agenda to request a reduction in the bond as it relates to off-site road improvements.

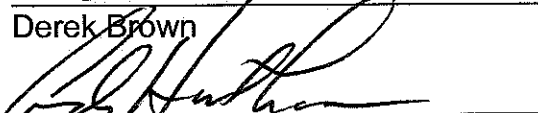
Commissioner Murray asked Mr. Smith to put his request in writing for action at a future public meeting. Commissioner Brown moved to put Mr. Smith's request on next Tuesday's agenda. Commissioner Murray seconded the motion. Commissioner Hunthausen opposed the motion. The motion carried 2-1.

There was no other business, the meeting adjourned at 10:09 a.m.


LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Derek Brown


Andy Hunthausen

ATTEST:


Paulette DeHart, Clerk of the Board